Approved for Release: 2021/12/14 C06878961

Proposals on Congressional Oversight of Intelligence

SENATE

S. 99 [H.R. 54] [Humphrey] Joint Committee on National Security
S. 189 [Nelson] Joint Committee on Agencies Conducting Surveillance
S. 317 [H.R. 463] [Baker and 25] Joint Committee on Intelligence Oversight

S. Con. Res. 4 [H. Con Res. 313] [Hathaway] Joint Committee on Information and Intelligence

HOUSE

H.R. 54 [S. 99] [Zablocki] Joint Committee on National Security
H.R. 261 [Biester] Joint Committee on Intelligence Operations
H.R. 463 [S. 317] [Frenzel] Joint Committee on Intelligence Oversight
H.R. 2232 [McCloskey] Joint Committee on Intelligence Information
H.R. 7959 [Biester] --identical to H.R. 261--
H.R. 8198 [Biester] --identical to H.R. 261--
H.R. 8199 [Broomfield] Joint Committee on Intelligence Oversight

H. Res. 51 [Roe] House Committee on CIA
H. Res. 78 [Harrington] House Committee on Intelligence Operations

H. J. Res. 656 [Sisk] Joint Committee on Intelligence Operations
H. J. Res. 657 [Hyde] --identical to H. J. Res. 656--

H. Con. Res. 18 [Kastenmeier] Joint Committee on Central Intelligence
H. Con. Res. 313 [S. Con. Res 4] [Boland] Joint Committee on Information and Intelligence

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

CIA OVERSIGHT PROPOSALS

The longstanding congressional oversight procedure of reporting on Agency operations only to the Armed Services and Appropriations Committees of both houses was significantly altered by the Foreign Assistance Act of 1974, which requires reporting on covert action to the foreign affairs committees of both Houses. This means six committees now receive reports on covert operations. Other, more far-reaching proposals have been introduced in the 94th Congress. The Senate Subcommittee on Intergovernmental Relations of the Committee on Government Operations held hearings on 9 and 10 December 1974 regarding CIA oversight. Senator Muskie, Chairman of this Subcommittee, originally announced additional hearings for early 1975, but is deferring to the Senate Select Committee.

Following are sketches of proposals to alter the permanent CIA oversight mechanism. All House bills on oversight have been referred to the Rules Committee. Jurisdiction of the Senate bills is split between the Armed Services, Government Operations, and Rules Committees.

1. Joint Committee on Intelligence Oversight (S. 317, H.R. 463)

Senators Baker and Weicker and twenty-five co-sponsors introduced the Senate proposal in the 93rd Congress and again in January. Senators Baker and Weicker spoke in favor of their bill during the Muskie hearings last December. Representatives Frenzel and Steelman introduced the companion House bill. The Joint Committee on Intelligence Oversight would have fourteen members, appointed by the leadership, and the chairmanship would alternate between the House and Senate members for each Congress. The legislative jurisdiction of the Committee would extend to CIA, FBI, Secret Service, DIA, NSA, and all other governmental activities pertaining to intelligence gathering or surveillance of persons. Heads of all named departments would be required to keep the Committee fully and currently informed of all activities.

2. Joint Committee on National Security (S. 99, H.R. 54)

This bill was introduced in the 93rd and 94th Congresses by Senator Humphrey. Representative Zablocki is the House sponsor. Dr. Ray Cline, formerly a CIA official and later the Director of the Bureau of Intelligence and Research, Department of State, spoke in favor of this proposal during the Muskie hearings.

The Joint Committee on National Security would consist of the Speaker, Majority and Minority members of each house, the chairman and ranking Minority members of the Armed Services, Appropriations, foreign affairs, Joint Atomic Energy Committees, three other Representatives, and three other Senators.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Proposed functions of the Committee are to study foreign, domestic, and military national security policies, study the National Security Council, and study government classification practices, and report periodically to each House on the Committee's findings. This bill would apparently not change any present jurisdiction (e.g., the Armed Services Committees would retain legislative jurisdiction over CIA); it would merely supplement it.

3. Joint Committee on the Continuing Study of the Need to Reorganize the Departments and Agencies Engaging in Surveillance (S. 189)

Senators Nelson, Jackson, and Muskie introduced this proposal. Senator Nelson introduced a similar proposal last Congress, and supported it during the Muskie hearings. This committee would be composed of eight Senators and eight Representatives, with an equal party split. The Committee would be empowered to study the need to reorganize U. S. agencies engaged in investigation or surveillance of individuals (citizenship not specified), the extent, methods, authority, and need for such investigation or surveillance, and the state-federal relationship in this area. The Joint Committee would not have jurisdiction to examine activities conducted outside the United States, but may recommend means for Congress to oversee such extraterritorial activity.

4. Joint Committee on Information and Intelligence (S.Con.Res. 4)

Senator Hathaway is the sponsor of this proposal. It would create a fourteen-member joint committee to study the activities of each information and intelligence agency and their interralationships.

5. Several other House bills or resolutions would create joint committees to assume CIA oversight and would either have members appointed by the leadership or drawn from specified committees (such as Armed Services, Appropriations, Foreign Relations, International Relations, and Government Operations). Among this group are H.R. 261, H.Con.Res. 18, H.R. 2232. H.Res. 51 would create a new standing committee of the House entitled the Committee on the Central Intelligence Agency.

6. Mr. Dellums has reintroduced the "Central Intelligence Agency Disclosure Act," H.R. 1267, amending certain statutory authorities to modify Agency exemptions in the area of reporting to Congress. The bill would impose a positive duty on the Agency to report to congressional committees and subcommittees upon request sensitive details on prospective activities, contracts, and covert funding, information already available to appropriate oversight committees under current procedures. The Agency would also be required upon request to provide any substantive and operational information to any congressional committee or subcommittee relating to any matter within its jurisdiction. These provisions would proliferate sensitive information on Agency operations throughout the Congress and fragment oversight responsibilities.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Joint Committee on National Security

H. R. 54 [Zablocki] — Referred to Rules Committee

S. 99 [Humphrey] — Referred to Armed Services Committee

Membership

25 Members of Congress, including:

1. Speaker of the House of Representatives;

2. Majority and Minority Leaders of the Senate and the House;

3. Chairmen and Ranking Minority members of the Senate Committees on Appropriations, Armed Services, and Foreign Relations;

4. Chairmen and Ranking Minority members of the House Committees on Appropriations, Armed Services, and Foreign Affairs;

5. Chairman and Ranking Minority members of the Joint Committee on Atomic Energy;

6. Two Majority and one Minority members of the Senate as appointed by the President of the Senate;

7. Two Majority and one Minority members of the House as appointed by the Speaker of the House.

The Joint Committee shall select a chairman and a vice-chairman from among its members.

Functions

1. To make a continuing study of the foreign, domestic, and military policies of the U. S. to determine if they are integrated in furtherance of the national security;

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

2. To make a continuing study of the National Security Council with particular emphasis on the goals, strategies, and alternatives of foreign policy considered by the Council;

3. To make a continuing study of, and make recommendations regarding government practices of classification and declassification of documents.

Reports

The Joint Committee shall make reports not less than once each year to the Senate and House with respect to its studies. The reports shall contain such findings, statements, and recommendations as the Joint Committee considers appropriate.

Powers

Make expenditures; employ personnel; adopt rules respecting its organization and procedures; hold hearings; subpoena witness and documents (subpoenas may be issued over signature of the chairman or any member designated by him or the Joint Committee); use on a reimbursable basis the services of personnel, information, and facilities of an agency with the prior consent of the agency concerned; procure printing and binding; hire consultants; utilize the services of any staff member of House or Senate committees or subcommittees with the consent of the committee concerned.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Joint Committee on the Continuing Study of the Need to Reorganize the Departments and Agencies Engaging in Surveillance

S. 189 Referred to Government Operations Committee
[Nelson, Jackson, Muskie]

Membership

16 members as follows:

1. Eight Senators; four to be appointed by the Senate Majority leader, four by the Minority leader.

2. Eight Representatives; four to be appointed by the House Majority leader, four by the Minority leader.

3. The Joint Committee shall select a chairman and vice-chairman from its members.

Function

Study the need to reorganize U. S. agencies engaged in investigation or surveillance of individuals [note: citizenship of individuals not specified], the extent, methods, authority and need for such investigation or surveillance; study the state-federal relationship in this area; file reports with Congress on relevant matters at least annually.

Proviso: The Joint Committee does not have jurisdiction to examine activities conducted outside United States, but may recommend means for Congress to oversee such extraterritorial activity.

Powers

1. The Joint Committee shall receive, subject to the above proviso, testimony of representatives of agencies engaged in surveillance or investigations of individuals concerning scope, nature and guidelines of such activity.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

2. The Committee has the authority to subpoena witnesses and documents (issued under Chairman of the Committee or any subcommittee or any member designated by such chairman when authorized by a majority of the members of such committee or subcommittee).

3. The U. S. District Court for D. C. shall have jurisdiction in the enforcement of committee subpoenas.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Joint Committee on Intelligence Oversight

S. 317 Referred to Government Operations Committee
[Baker, Weicker, and 25 others]

H.R. 463 Referred to Rules Committee
[Frenzel and Steelman]

Membership

14 members as follows:

1. Seven members of the Senate, four to be appointed by the Senate Majority Leader and three to be appointed by the Senate Minority Leader;

2. Seven members of the House, four to be appointed by the House Majority Leader and three to be appointed by the House Minority Leader.

Leadership

Chairmanship shall alternate between a Senator and Representative with each Congress. Chairman and Vice-chairman can't be from same house.

Functions and Powers

1. To conduct a continuing study and investigation of the activities and operations of CIA, FBI, Justice, the Secret Service, DIA, DOD, NSA, and the intelligence gathering or surveillance activities of all other agencies; and to consider proposals for the improvement and reorganization of agencies and departments within the Joint Committee's jurisdiction.

2. The directors of the relevant agencies shall keep the Joint Committee fully and currently informed on all their intelligence and surveillance activities. The Joint Committee shall have authority to require from any department or agency periodic written reports regarding activities and operations within the jurisdiction of the Joint Committee.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

3. All bills, resolutions, and other matters in the House or Senate relating primarily to the intelligence or surveillance activities of any government organization shall be referred to the Joint Committee.

4. OPEN BUDGET--No funds may be appropriated for the purpose of carrying out any intelligence or surveillance activity or operation by any office, or any department or agency unless such funds for such activity or operation have been specifically authorized by legislative enactment.

5. Nothing in this subsection shall be construed to deprive any committee of either house from exercising legislative oversight with respect to intelligence and surveillance activities related to the jurisdiction of such committee.

6. The proposed Committee has the authority to subpoena witnesses and documents (issued over the signature of the chairman, or any member designated by him or the Joint Committee); and use the services of personnel, information, and facilities of any federal department or agency with the prior consent of the agency.

Reports

Senate and House members of the Joint Committee shall from time to time report to their respective houses, by bill or otherwise, their recommendations concerning matters within the jurisdiction of the Joint Committee.

Certification of Information

The Joint Committee may classify information originating within the Committee in accordance with standards used generally by the executive branch for classifying restricted data or defense information.

The Joint Committee shall keep a complete record of all actions.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961 OVERSIGHT

"Joint Committee on Information and Intelligence"
S. Con. Res. 4 Referred to Government Operations Committee
[Hathaway]
H. Con. Res. 313
[Boland]

Membership

14 members as follows:

7 Senators appointed by the President of the Senate; 7 Representatives appointed by the Speaker of the House; in each instance not more than four members shall be from the same party.

Leadership

The Joint Committee shall select a chairman and vice-chairman. Chairmanship and vice-chairmanship shall alternate between House and Senate with each Congress, and the chairman shall be selected by the members of the Joint Committee from the house entitled to the chairmanship.

Functions

1. Study the activities of each information and intelligence agency of the U.S., CIA included, and their interrelationship.

2. Each information and intelligence agency of the U.S. shall give the Joint Committee such information regarding its activities as the committee may require. Such information shall include data on the amounts, purposes and recipients of expenditures made by each agency.

3. All Joint Committee records shall be the property of the Joint Committee, and shall be kept in the committee offices or such other places as the committee may direct in the interest of national security.

4. All bills, resolutions and other matters relating primarily to any U.S. information or intelligence agency shall be referred to the Joint Committee. The Joint Committee shall report to Congress its recommendations on matters within its purview.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Powers

Make expenditures; employ personnel; use the services, information, facilities and personnel of the executive departments [no prior consent required]; adopt its organizational and procedural rules--but no measure shall be reported from the Joint Committee unless a majority of the members thereof assent; hold hearings; subpoena witnesses, books, papers, etc.--subpoenas to be issued over the Joint Committee Chairman's signature, his designee's or by the Joint Committee.

Classification of Information

The Joint Committee is authorized to classify information originating within the Joint Committee in accordance with standards used generally by the executive branch.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961 OVERSIGHT

Joint Committee on Intelligence Operations

H. R. 261 Referred to Rules Committee
[Biester and Anderson (Ill.)]

Membership

18 Members as follows:

1. Nine Representatives of whom five shall be appointed by the House Majority Leader to include one member from each of the Committees on Armed Services, Foreign Affairs, and Appropriations; four members to be appointed by the House Minority Leader including one from each of the above committees;

2. Nine members of the Senate of whom five shall be appointed by the Senate Majority Leader to include one member from each of the Committees on Armed Services, Foreign Relations, and Appropriations; four members to be appointed by the Senate Minority Leader to include one from each of the above-named committees.

Leadership

The Chairmanship shall alternate between the Senators and Representatives. The Chairman and the Vice-Chairman can't be members of the same house.

Functions and Powers

1. Conduct continuing oversight of and exercise exclusive jurisdiction over the legislative authorization with respect to the foreign intelligence activities and operations of CIA, DIA, DOD, NSA, INR, Army, Navy, and Air Force intelligence, and the foreign intelligence activities of other agencies.

2. The directors of the above-named organizations and the directors of all other departments conducting foreign intelligence activities, shall keep the Joint Committee fully and currently informed with respect to all of the foreign intelligence activities and operations of their respective organizations. The Joint Committee shall have authority to require from any department or agency periodic reports regarding activities and operations within the jurisdiction of the Joint Committee.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

3. All bills, resolutions, and other matters in the House or Senate relating primarily to foreign intelligence activities shall be referred to the Joint Committee.

4. Nothing in this subsection shall be construed to deprive any committee of either house from exercising legislative oversight with respect to foreign intelligence activities and operations related to the jurisdiction of such committee.

5. The Committee is authorized to subpoena witnesses and documents (issued over the signature of the chairman or any member designated by him or the Joint Committee); and use the services of personnel, information, and facilities of any federal department or agency with the prior consent of the agency.

Reports

House members and Senate members of the Joint Committee shall from time to time report to their respective houses by bill or otherwise their recommendations regarding foreign intelligence activities.

Classification of Information

The Joint Committee shall be charged with establishing guidelines for its information in accordance with standards used generally by the Executive branch. The Joint Committee shall be charged with establishing guidelines under which its data and records shall be maintained and be made available to any member of Congress who requests such data or any officer or employee of the House or Senate who has been designated by a member to have access to such records and who has the appropriate security clearances.

The Joint Committee shall keep a complete record of all actions.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

OVERSIGHT

Joint Committee on Intelligence Information and Amendment to the National Security Act

H.R. 2232 Referred to Rules Committee
[McCloskey]

I. Joint Committee on Intelligence Information

Membership

10 Members as follows:

1. Five Senators appointed by the President pro tempore. No more than three may be of the same political party.

2. Five Representatives appointed by the Speaker, of whom no more than three may be of the same political party.

Leadership

Chairmanship shall alternate between a Senator and Representative with each Congress. Chairman and Vice-chairman can't be from same house.

Functions and Powers

1. Conduct continuing review of the effectiveness and problems of the intelligence gathering activities of the Government relating to national security; provide Congress with an annual report of, and general body of knowledge with respect to, the intelligence gathering activities of the Government relating to national security.

2. Nothing in this act shall be construed to authorize the Joint Committee to report to either house any proposed bill, resolution, or measure, or to have referred to the Joint Committee any proposed bill, resolution, or measure.

3. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to: subpoena witnesses and documents (issued over the signature of the chairman or of any member designated by him or by the Joint Committee); and use [no consent required] the services, information, facilities, and personnel of government departments and establishments.

The Joint Committee shall keep a record of all its actions.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

II. National Security Act Amendment

[Identical to McCloskey's H. R. 628]

1. Amend Section 102(d)(5) to read:

"to perform such other functions and duties related to intelligence gathering affecting the national security as the National Security Council may from time to time direct."

2. Add after Section (d)(5) the following paragraph:

"Nothing in this subsection shall be construed to authorize the Agency to engage in any manner or to any extent in the incitement, organization, supervision, assistance, or conduct of any military, paramilitary, or political activity."

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Joint Committee on Intelligence Oversight

H.R. 8199 [Broomfield] — Referred to Rules Committee

Membership:

14 members:

7 Senators - 4 of majority party, 3 of minority party, all appointed by President pro tempore

7 Representatives - 4 of majority party, 3 of minority party, all appointed by the Speaker

Leadership:

Chairmanship and Vice Chairmanship shall alternate between Houses.

Duties:

1. Conduct a continuing study and investigation of the budgets of CIA, FBI, Secret Service, DIA, NSA, other DOD intelligence components, and related intelligence functions of all other federal agencies and departments.

2. Authorized to report by June 30, 1977 its recommendations regarding reorganization and improvement of agencies within its jurisdiction.

3. Heads of all agencies within the jurisdiction of the committee shall keep the committee fully and currently informed of all activities.

Classification:

Committee may classify information in accordance with Executive Branch standards.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Protection of Information:

Committee shall institute and carry out rules necessary to prevent disclosure of its classified information. Members of the staff must have security clearances. As a condition of employment, each person shall agree not to accept any payment for a speaking arrangement on article connected with the investigation and study of a Joint committee. Rules of this committee take precedence over other rules of House and Senate.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Standing House Committee on the Central Intelligence Agency

H. Res. 51 [Roe] — Referred to Rules Committee

Membership:

15 members as follows:

1. Five members currently serving on the Committee on Armed Services;

2. Five members currently serving on the Committee on Foreign Affairs; and

3. Five other members.

Jurisdiction: CIA

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Standing House Committee on Intelligence Operations

H. Res. 78 [Harrington] — Referred to Rules Committee

Membership:

15 Representatives, including:

5 serving concurrently on Armed Services

5 serving concurrently on Appropriations

5 serving concurrently on International Relations

Jurisdiction:

Oversight jurisdiction over CIA; DIA; NSA; INR; Army, Navy and Air Force intelligence; and matters relating generally to foreign intelligence activities.

Reports:

Committee shall keep records of all its actions to be maintained "under appropriate security safeguards in the national intererest." Pursuant to whatever security safeguards the committee deems necessary, it shall make records and data available to members and employees designated by members.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Joint Committee on Intelligence Operations

H. J. Res. 656 [Sisk] — Referred to Rules Committee

H. J. Res. 657 [Hyde] — Referred to Rules Committee

Membership:

20 Members, including:

10 Representatives and 10 Senators, including chairmen and ranking minority members from Committees on Armed Services, Appropriations, and International and Foreign Relations.

Duties:

Exercise oversight for all U. S. intelligence-gathering and covert activities and operations, including but not limited to CIA; DIA; NSA; Army, Navy, Air Force intelligence; INR.

Agency Reporting:

All intelligence agencies must keep the committee fully and currently informed with respect to all activities and operations.

Power to Secure Information:

Joint Committee is authorized to secure any information relating to intelligence from any executive agency.

Classification:

Joint Committee will establish classification for all material originating with the committee. The committee shall determine appropriate security clearances.

Approved for Release: 2021/12/14 C06878961

Approved for Release: 2021/12/14 C06878961

Joint Committee on Central Intelligence

H. Con. Res. 18 [Kastenmeier] — Referred to Rules Committee

Membership

1. Nine members of the Senate, appointed by the President of the Senate. Not more than five of the members are to be members of the majority party.

2. Nine members of the House, appointed by the Speaker. Not more than five of the members are to be from the majority party.

Functions

1. To make a continuing study of national security intelligence activities and the coordination and utilization of intelligence by the various agencies of the Government.

2. CIA and all other agencies engaged in foreign intelligence shall keep the Joint Committee fully and currently informed of all their activities.

3. All bills, resolutions, and other matters relating primarily to CIA or to the foreign intelligence activities of other agencies shall be referred to the Joint Committee.

Powers

The Joint Committee is authorized to hold hearings; subpoena witnesses and documents; and to utilize the services, information, facilities, and personnel of the departments of Government on a reimbursable basis with prior consent of the head of the department or agency concerned.

Reports

The members of the Joint Committee from each house must report to their respective houses from time to time, but no less than once every three months, their recommendations regarding matters within the jurisdiction of the committee.

Approved for Release: 2021/12/14 C06878961